

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DARNELL O MCGARY,

Plaintiff,

V.

KELLY CUNNINGHAM et al.,

Defendant.

CASE NO. C13-5130 RBL-JRC

## ORDER

The Court having reviewed the Report and Recommendation of the Hon. J. Richard  
Creatura, objections to the Report and Recommendation, if any, and the remaining record, does  
hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) The Court denies plaintiff's motion for summary judgment (Dkt. 114), and grants defendants' cross motion for summary judgment for summary judgment (Dkt. 122), for the reasons outlined in the Report and Recommendation. Defendant Lindquist's motion for summary judgment (Dkt. 143) will be addressed separately.

DATED this 22<sup>nd</sup> day of December, 2014.

Ronald B. Lightner

RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE